West Virginia Department of Environmental Protection
Division of Air Quality

Earl Ray Tomblin
Governor

Randy C. Huffman
Cabinet Secretary

Permit to Modify

R13-2801C

This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45 C.S.R. 13 — Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation. The permittee identified at the facility listed below is authorized to construct the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.

Issued to:

ICG Tygart Valley, LLC
Leer Preparation Plant
091-00030

William F. Durham
Deputy Director

Issued: D - R - A - F - T • Effective: D - R - A - F - T 3/11/14

This permit will supercede and replace permit R13-2801B which was approved on March 14, 2013.

Facility Location:	Grafton, Taylor County, West Virginia
Mailing Address:	2708 Cranberry Square, Morgantown, West Virginia 26508
Facility Description:	Leer Preparation Plant *(formerly known as Tygart Valley Preparation Plant)*
SIC Codes:	1222 (Bituminous Coal & Lignite - Underground) 1221 (Bituminous Coal & Lignite - Surface)
NAICS Codes:	212112 (Bituminous Coal Undergound Mining) 212111 (Bituminous Coal and Lignite Surface Mining)
UTM Coordinates:	589.785 km Easting • 4,354.286 km Northing • Zone 17
Permit Type:	Modification
Description of Change:	Modification to do the following: increase the maximum capacity and base area of raw coal open storage piles OS1, OS2 and OS3; increase the throughput rate for raw coal screen S1 from 1,500 TPH to 2,000 TPH; increase the throughput rates for raw coal crusher CR1 from 500 TPH and 2,847,000 TPY to 2,000 TPH and 9,198,000 TPY; increase the raw coal prep plant feed rate from 1,400 TPH and 11,388,000 TPY to 2,000 TPH and 13,140,000 TPY; increase the maximum capacity of clean coal open storage piles OS4, OS5 and OS6; increase the refuse throughput rates from 600 and 650 TPH to 1,100 and 1,150 TPH; increase the maximum hourly throughput hauled by refuse trucks from 15 trips per hour to 30 trips per hour; and include as-built corrections because magnetite bins BS3 and BS4 were previously permitted with 50 tons capacity each but actually have 100 ton capacity each.

Subject to NSPS Subpart Y: Yes
Subject to NSPS Subpart IIII: No
Subject to NSPS Subpart JJJJ: No

Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§ 22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.

This permit does not affect 45CSR30 applicability. The source is a deferred nonmajor source subject to 45CSR30.

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1.0 Emission Units

Equipment ID No.	Date of Construction, Reconstruction or Modification [1]	Description	Maximum Capacity		Control Equipment [2]	Associated Transfer Points		
			TPH	TPY		Location: B -Before A -After	ID. No.	Control Equipment [2]
Bar Grate Circuit								
BG1	C 2013	Bar grate will separate rock from soil or coal. Material is loaded into bar grate by endloader, rock is separated and drops to ground, smaller material passing through grate drops to ground. Endloader loads separated material to trucks for transport to their respective destinations.	500	500,000	N	B A A A	TP35 TP36 TP37 TP34	MDH MDH MDH MDH
Raw Coal Circuit								
BC1	M 2010	Slope Conveyor - receives raw coal from the deep mine and transfers it to BC2	7,600	13,140,000	PE	A	TP1	PE
BC2	M 2010	Storage Conveyor - receives raw coal from BC1 and transfers it to OS1 or BC3	7,600	13,140,000	PE	B A	TP1 TP2	PE PE
OS1	M 2014 M 2010	Raw Coal Open Stockpile with Stacking Tube - 140,000 tons maximum capacity and 51,667 ft^2 base area - 50' maximum height - receives raw coal from BC2, stores it and then it is reclaimed to under pile conveyor BC4. Raw and clean coal may be delivered to and shipped from all open stockpiles via trucks up to 1,000,000 TPY combined.	-----	13,140,000 combined [3]	N	B A	TP2 TP4	ST FE
BC3	M 2010	Raw Coal Transfer Belt - receives raw coal from BC2 and transfers it to OS2	7,600	13,140,000	PE	B A	TP2 TP3	PE ST
OS2	M 2014 M 2010	Raw Coal Open Stockpile with Stacking Tube - 140,000 tons maximum capacity and 51,667 ft^2 base area - 50' maximum height - receives raw coal from BC3, stores it and then it is reclaimed to under pile conveyor BC4. Raw and clean coal may be delivered to and shipped from all open stockpiles via trucks up to 1,000,000 TPY combined.	-----	13,140,000 combined [3]	N	B A	TP2 TP4	PE FE
BC3A	M 2010	Raw Coal Transfer Belt - receives raw coal from BC3 and transfers it to OS3	7,600	13,140,000	PE	B A	TP2 TP3A	PE ST
OS3	M 2014 M 2010	Raw Coal Open Stockpile with Stacking Tube - 140,000 tons maximum capacity and 51,667 ft^2 base area - 50' maximum height - receives raw coal from BC3A, stores it and then it is reclaimed to under pile conveyor BC4. Raw and clean coal may be delivered to and shipped from all open stockpiles via trucks up to 1,000,000 TPY combined.	-----	13,140,000 combined [3]	N	B A	TP3A TP4	ST FE
BC4	M 2014 M 2010	Raw Coal Reclaim Belt - receives raw coal OS1, OS2 and OS3 and transfers it to S1	2,000	13,140,000	PE	B A	TP4 TP5	FE FE
S1	M 2014 M 2010	Double Deck Screen - receives raw coal from BC4 and classifies it. +4" material is scalped off to BC16 (see Refuse Circuit). 4" x 2" material drops to CR1. 2" x 0 passes through to BC5.	2,000	13,140,000	FE	B A A A	TP5 TP6 TP7 TP8	FE FE FE FE
CR1	M 2014 M 2010	Primary Raw Coal Sizer - receives 4" x 2" raw coal, crushes it to 2" x 0 and then drops it to BC5	2,000	9,198,000	FE	B A	TP7 TP9	FE FE
BC5	M 2014 M 2013	Plant Feed Belt - receives sized raw coal from CR1 and S1 and transfers it to wet wash plant	2,000	11,388,000	PE	B A	TP6 TP10	FE FE
Refuse Circuit								
OS7	M 2010	Lime Sand Open Stockpile - 10,000 tons maximum capacity - receives lime sand from trucks and an endloader transfers it to BS5 or BS6	40 in 300 out	438,000	N	B A	TP33 TP32	MDH MDH
BS5	M 2010	150 ton Lime Sand Bin - receives lime sand from trucks or OS7 via an endloader and refuse from the emergency by-pass stockpile OS8 via an endloader and drops it to BC18	300 in 50 out	438,000 combined [4]	PE	B A	TP32 TP30	MDH PE

Equip-ment ID No.	Date of Construction, Reconstruction or Modification [1]	Description	Maximum Capacity		Control Equip-ment [2]	Associated Transfer Points		
			TPH	TPY		Location: B -Before A -After	ID. No.	Control Equip-ment [2]
BS6	M 2010	150 ton Lime Sand Bin - receives lime sand from trucks or OS7 via an endloader and refuse from the emergency by-pass stockpile OS8 via an endloader and drops it to BC18	300 in 50 out	438,000 combined [4]	PE	B A	TP32 TP30	MDH PE
BC18	M 2010	Lime Sand Belt - receives lime sand and refuse from BS5 and BS6 and transfers it to BC17	50	438,000	PE	B A	TP30 TP31	PE PE
BC16	M 2014 M 2010	Refuse Collection Belt - receives coal refuse from S1 (see Raw Coal Circuit) and transfers it to BC17	1,100	5,256,000	PE	B A	TP8 TP28	FE PE
BC17	M 2014 M 2010	Reject By-Pass Conveyor - receives coal refuse from BC16 and lime sand and refuse from BC18 transfers it to BC13	1,150	5,256,000	PE	B B A	TP28 TP31 TP29	PE PE PE
BC12	M 2014 M 2010	Refuse Collection Belt - receives refuse from the wet wash plant and transfers it to BC13 or OS8 through the emergency by-pass gate	1,100	5,256,000	PE	B A	TP22 TP23	FE PE
OS8	M 2010	Emergency Refuse Open Stockpile - 300 tons maximum capacity - receives refuse from BC12, stores it and then it is reclaimed by an endloader to BS5 or BS6	-----	Emergency only	N	B A	TP23 TP32	PE MDH
BC13	M 2014 M 2010	Refuse Belt - receives refuse and lime sand from BC12 and BC17 and transfers it to BC14	1,150	5,256,000	PE	B B A	TP23 TP29 TP24	PE PE PE
BC14	M 2014 M 2010	Refuse Belt - receives refuse and lime sand from BC13 and transfers it to BC15	1,150	5,256,000	PE	B A	TP24 TP25	PE PE
BC15	M 2014 M 2010	Refuse Belt - receives refuse and lime sand from BC14 and transfers it to BS2	1,150	5,256,000	PE	B A	TP25 TP26	PE PE
BS2	M 2010	600 ton Refuse Bin - receives refuse and lime from BC15, stores it and then drops it to trucks	650	5,256,000	FE	B A	TP26 TP27	PE MDH
Magnetite Circuits								
BS3	M 2010	100 ton Magnetite Bin #1 - pneumatically receives magnetite from trucks and vents to BH1, stores it and the feeds screw conveyors SC1 and SC2	-----	5,694 combined [5]	FE, BH1	N/A		
BH1	M 2010	Stevens SV-265 Filter Vent - 99.6% collection efficiency	-----	-----	-----	N/A		
SC1	M 2010	Screw Conveyor - receives magnetite from BS3 and transfers it to the wet wash circuit	0.65	5,694	FE	N/A		
SC2	M 2010	Screw Conveyor - receives magnetite from BS3 and transfers it to the wet wash circuit	0.65	5,694	FE	N/A		
BS4	M 2010	100 ton Magnetite Bin #2 - pneumatically receives magnetite from trucks and vents to BH2, stores it and the feeds screw conveyors SC3 and SC4	-----	5,694 combined [5]	FE, BH2	N/A		
BH2	M 2010	Stevens SV-265 Filter Vent - 99.6% collection efficiency	-----	-----	-----	N/A		
SC3	M 2010	Screw Conveyor - receives magnetite from BS3 and transfers it to the wet wash circuit	0.65	5,694	FE	N/A		
SC4	M 2010	Screw Conveyor - receives magnetite from BS3 and transfers it to the wet wash circuit	0.65	5,694	FE	N/A		
Clean Coal Circuit								
BC6	M 2010	Clean Coal Transfer Belt - receives clean coal from the wet wash plant and transfers it to BC7, BC8 or BC9	1,100	9,636,000	FE	B A	TP11 TP12	FE FE
BC7	M 2010	Clean Coal Belt - receives clean coal from BC6 and transfers it to OS4	1,100	9,636,000	PE	B A	TP13 TP15	FE ST
OS4	M 2014 M 2010	Clean Coal Open Stockpile with Stacking Tube - 60,000 tons maximum capacity and 50,000 ft^2 base area - 50' maximum height - receives clean coal from BC7, stores it and then it is reclaimed to under pile conveyor BC10. Raw and clean coal may be delivered to and shipped from all open stockpiles via trucks up to 1,000,000 TPY combined.	-----	9,636,000 combined [6]	N	B A	TP15 TP18	ST FE
BC8	M 2010	Clean Coal Belt - receives clean coal from BC6 and transfers it to OS5	1,100	9,636,000	PE	B A	TP14 TP16	FE ST

Equip-ment ID No.	Date of Construction, Reconstruction or Modification [1]	Description	Maximum Capacity		Control Equip-ment [2]	Associated Transfer Points		
			TPH	TPY		Location: B -Before A -After	ID. No.	Control Equip-ment [2]
OS5	M 2014 M 2010	Clean Coal Open Stockpile with Stacking Tube - 60,000 tons maximum capacity and 50,000 ft² base area - 50' maximum height - receives clean coal from BC8, stores it and then it is reclaimed to under pile conveyor BC10. Raw and clean coal may be delivered to and shipped from all open stockpiles via trucks up to 1,000,000 TPY combined.	-----	9,636,000 combined [6]	N	B A	TP16 TP18	ST FE
BC9	M 2010	Clean Coal Belt - receives clean coal from BC9 and transfers it to OS6	1,100	9,636,000	PE	B A	TP12 TP17	FE ST
OS6	M 2014 M 2010	Clean Coal Open Stockpile with Stacking Tube - 60,000 tons maximum capacity and 50,000 ft² base area - 50' maximum height - receives clean coal from BC9, stores it and then it is reclaimed to under pile conveyor BC10. Raw and clean coal may be delivered to and shipped from all open stockpiles via trucks up to 1,000,000 TPY combined.	-----	9,636,000 combined [6]	N	B A	TP17 TP18	ST FE
BC10	M 2010	Clean Coal Reclaim Belt - receives clean coal from OS4, OS5 and OS6 and transfers it to BC11	4,000	9,636,000	PE	B A	TP18 TP19	FE PE
BC11	M 2010	Loadout Conveyor - receives clean coal from BC10 and transfers it to sampler crusher CR2 and BS1	4,000	9,636,000	PE	B A A	TP19 TP19A TP20	PE PE FE
CR2	M 2010	Jeffrey Crusher (Sampler System) - receives clean coal from BC11, crushes it to 8 mesh, and then drops it to BC11A	5	43,800	FE	B A	TP19A TP19B	PE FE
BC11A	M 2010	Belt Conveyor (Sampler System) - receives clean coal from CR2 and transfers it to BC11B	5	43,800	PE	B A	TP19B TP19C	FE PE
BC11B	M 2010	Analyzer Conveyor (Sampler System) - receives clean coal from BC11A, analyzes it and transfers it to BC11C	5	43,800	FE	B A	TP19C TP19D	PE FE
BC11C	M 2010	Belt Conveyor (Sampler System) - receives clean coal from BC11B and transfers it back to BC11	5	43,800	PE	B A	TP19D TP19E	FE PE
BS1	M 2010	425 ton Batch Weigh Loadout Bin - receives clean coal from BC11, weighs it and then loads it to railcars	4,000	9,636,000	FE	B A	TP20 TP21	FE MDH

[1] In accordance with 40 CFR 60 Subpart Y, coal processing and conveying equipment, coal storage systems, and coal transfer and loading systems constructed, reconstructed, or modified after April 28, 2008 shall not discharge gases which exhibit 10 percent opacity or greater. For open storage piles constructed, reconstructed, or modified after May 27, 2009, the permittee shall prepare and operate in accordance with a fugitive coal dust emissions control plan that is appropriate for site conditions.

[2] FE - Full Enclosure; FW - Full Enclosure with Water Sprays; PE - Partial Enclosure; PW - Partial Enclosure with Water Sprays; ST - Stacking Tube; BH - Baghouse; MDH - Minimum Drop Height; N - None; N/A - Not Applicable.

[3] The maximum annual throughput in storage for raw coal stockpiles OS1, OS2 and OS3 combined is 13,140,000 TPY.

[4] The maximum annual throughput in storage for lime sand bins BS5 and BS6 combined is 438,000 TPY.

[5] The maximum annual throughput in storage for magnetite bins BS3 and BS4 combined is 5,694 TPY.

[6] The maximum annual throughput in storage for clean coal stockpiles OS4, OS5 and OS6 combined is 9,636,000 TPY.

2.0. General Conditions

2.1. Definitions

2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.

2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.

2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45 CSR § 30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.

2.2. Acronyms

CAAA	Clean Air Act Amendments	**NOX**	Nitrogen Oxides
CBI	Confidential Business Information	**NSPS**	New Source Performance Standards
CEM	Continuous Emission Monitor	**PM**	Particulate Matter
CES	Certified Emission Statement	**PM2.5**	Particulate Matter less than 2.5 m in diameter
C.F.R. *or* CFR	Code of Federal Regulations		
CO	Carbon Monoxide	**PM10**	Particulate Matter less than 10 m in diameter
C.S.R. *or* CSR	Codes of State Rules		
DAQ	Division of Air Quality	**Ppb**	Pounds per Batch
DEP	Department of Environmental Protection	**Pph**	Pounds per Hour
		Ppm	Parts per Million
dscm	Dry Standard Cubic Meter	**PpmV or ppmv**	Parts per Million by Volume
FOIA	Freedom of Information Act	**PSD**	Prevention of Significant Deterioration
HAP	Hazardous Air Pollutant		
HON	Hazardous Organic NESHAP	**Psi**	Pounds per Square Inch
HP	Horsepower	**SIC**	Standard Industrial Classification
lbs/hr	Pounds per Hour		
LDAR	Leak Detection and Repair	**SIP**	State Implementation Plan
M	Thousand	**SO2**	Sulfur Dioxide
MACT	Maximum Achievable Control Technology	**TAP**	Toxic Air Pollutant
		TPY	Tons per Year
MDHI	Maximum Design Heat Input	**TRS**	Total Reduced Sulfur
MM	Million	**TSP**	Total Suspended Particulate
MMBtu/hr *or* mmbtu/hr	Million British Thermal Units per Hour	**USEPA**	United States Environmental Protection Agency
MMCF/hr *or* mmcf/hr	Million Cubic Feet per Hour	**UTM**	Universal Transverse Mercator
		VEE	Visual Emissions Evaluation
NA	Not Applicable	**VOC**	Volatile Organic Compounds
NAAQS	National Ambient Air Quality Standards	**VOL**	Volatile Organic Liquids
NESHAPS	National Emissions Standards for Hazardous Air Pollutants		

2.3. Authority

This permit is issued in accordance with West Virginia Air Pollution Control Law W.Va. Code §§22-5-1 et seq. and the following Legislative Rules promulgated thereunder:

2.3.1. 45CSR13 – *Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation.*

2.4. Term and Renewal

2.4.1. This permit shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR13 or any applicable legislative rule.

2.5. Duty to Comply

2.5.1. The permitted facility shall be constructed and operated in accordance with the plans and specifications filed in Permit Applications R13-2801C, R13-2801B, R13-2801A and R13-2801 and any modifications, administrative updates, or amendments thereto. The Secretary may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to; **[45CSR§§13-5.11 and 13-10.3]**

2.5.2. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA;

2.5.3. Violations of any of the conditions contained in this permit, or incorporated herein by reference, may subject the permittee to civil and/or criminal penalties for each violation and further action or remedies as provided by West Virginia Code 22-5-6 and 22-5-7;

2.5.4. Approval of this permit does not relieve the permittee herein of the responsibility to apply for and obtain all other permits, licenses and/or approvals from other agencies; i.e., local, state and federal, which may have jurisdiction over the construction and/or operation of the source(s) and/or facility herein permitted.

2.6. Duty to Provide Information

The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for administratively updating, modifying, revoking or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.

2.7. Duty to Supplement and Correct Information

Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in

any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.

2.8. Administrative Update

The permittee may request an administrative update to this permit as defined in and according to the procedures specified in 45CSR13.
[45CSR§13-4]

2.9. Permit Modification

The permittee may request a minor modification to this permit as defined in and according to the procedures specified in 45CSR13.
[45CSR§13-5.4.]

2.10. Major Permit Modification

The permittee may request a major modification as defined in and according to the procedures specified in 45CSR14 or 45CSR19, as appropriate.
[45CSR§13-5.1]

2.11. Inspection and Entry

The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:

a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;

d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

2.12. Emergency

2.12.1. An "emergency" means any situation arising from sudden and reasonable unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

2.12.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of Section 2.12.3 are not met.

2.12.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;

b. The permitted facility was at the time being properly operated;

c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and,

d. The permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice must contain a detailed description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

2.12.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

2.12.5. The provisions of this section are in addition to any emergency or upset provision contained in any applicable requirement.

2.13. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it should have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.

2.14. Suspension of Activities

In the event the permittee should deem it necessary to suspend, for a period in excess of sixty (60) consecutive calendar days, the operations authorized by this permit, the permittee shall notify the Secretary, in writing, within two (2) calendar weeks of the passing of the sixtieth (60) day of the suspension period.

2.15. Property Rights

This permit does not convey any property rights of any sort or any exclusive privilege.

2.16. Severability

The provisions of this permit are severable and should any provision(s) be declared by a court of competent jurisdiction to be invalid or unenforceable, all other provisions shall remain in full force and effect.

2.17. Transferability

This permit is transferable in accordance with the requirements outlined in Section 10.1 of 45CSR13. **[45CSR§13-10.1]**

2.18. Notification Requirements

The permittee shall notify the Secretary, in writing, no later than thirty (30) calendar days after the actual startup of the operations authorized under this permit.

2.19. Credible Evidence

Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defense otherwise available to the permittee including, but not limited to, any challenge to the credible evidence rule in the context of any future proceeding.

3.0. Facility-Wide Requirements

3.1. Limitations and Standards

3.1.1. **Open burning.** The open burning of refuse by any person, firm, corporation, association or public agency is prohibited except as noted in 45CSR§6-3.1.
[45CSR§6-3.1.]

3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.
[45CSR§6-3.2.]

3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(I). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them.
[40CFR§61.145(b) and 45CSR§34]

3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.
[45CSR§4-3.1 State-Enforceable only.]

3.1.5. **Permanent shutdown.** A source which has not operated at least 500 hours in one 12-month period within the previous five (5) year time period may be considered permanently shutdown, unless such source can provide to the Secretary, with reasonable specificity, information to the contrary. All permits may be modified or revoked and/or reapplication or application for new permits may be required for any source determined to be permanently shutdown.
[45CSR§13-10.5.]

3.1.6. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45 C.S.R. 11.
[45CSR§11-5.2.]

3.2. Monitoring Requirements

[Reserved]

3.3. Testing Requirements

3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his

option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or 45CSR§13-5.4 as applicable.

b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or 45CSR§13-5.4 as applicable.

c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.
[WV Code § 22-5-4(a)(15)]

3.4. Recordkeeping Requirements

3.4.1. **Retention of records.** The permittee shall maintain records of all information (including monitoring data, support information, reports and notifications) required by this permit recorded in a form suitable and readily available for expeditious inspection and review. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation. The files shall be maintained for at least five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two (2) years of data shall be maintained on site. The remaining three (3) years of data may be maintained off site, but must remain accessible within a reasonable time. Where appropriate, the permittee may maintain records electronically (on a computer, on computer floppy disks, CDs, DVDs, or magnetic tape disks), on microfilm, or on microfiche.

3.4.2. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.
[45CSR§4. State-Enforceable only.]

3.5. Reporting Requirements

3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

3.5.2. **Confidential information.** A permittee may request confidential treatment for the submission of reporting required by this permit pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.

3.5.3. **Correspondence.** All notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

If to the DAQ:

Director
WVDEP
Division of Air Quality
601 57th Street, SE
Charleston, WV 25304-2345

If to the USEPA:

Associate Director
Office of Air Enforcement and Compliance Assistance (3AP20)
U. S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

3.5.4. **Operating Fee.**

3.5.4.1. In accordance with 45CSR30 – Operating Permit Program, the permittee shall submit a Certified Emissions Statement (CES) and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.

3.5.5. **Emission inventory.** At such time(s) as the Secretary may designate, the permittee herein shall prepare and submit an emission inventory for the previous year, addressing the emissions from the facility and/or process(es) authorized herein, in accordance with the emission inventory submittal requirements of the Division of Air Quality. After the initial submittal, the Secretary may, based upon the type and quantity of the pollutants emitted, establish a frequency other than on an annual basis.

4.0. Source-Specific Requirements

4.1. Limitations and Standards

4.1.1. **12 Month Rolling Total.** Compliance with all yearly or annual throughput, processing and production limits shall be determined using a 12 month rolling total. For example, the 12 month rolling total shall mean the sum of the tonnage of raw coal processed through the wet wash preparation plant at any given time during the previous twelve (12) consecutive calender months.

4.1.2. The permittee shall not exceed the maximum hourly and annual throughput rates and other criteria outlined in the table in Section 1.0 Emission Units.

4.1.3. **Throughput Limitation.** The facility shall not process more than 500 tons per hour (TPH) and 500,000 tons per year (TPY) of raw material through the bar grate circuit.

4.1.4. **Throughput Limitation.** The facility shall not receive more than 7,600 tons per hour (TPH) or 13,140,000 tons per year (TPY) of raw coal via belt conveyors BC1 and BC2.

4.1.5. **Throughput Limitation.** The facility shall not receive/ship more than 1,300 TPH or 1,000,000 TPY combined through the following activities: receive raw coal, ship clean coal, receive rock or ship rock via trucks.

4.1.6. **Throughput Limitation.** The wet wash coal preparation plant shall not process more than 2,000 TPH or 13,140,000 TPY of raw coal as delivered by belt conveyor BC5.

4.1.7. **Throughput Limitation.** The facility shall not ship by railcar more than 4,000 TPH or 9,636,000 TPY of clean coal as loaded through railcar loadout bin BS-1.

4.1.8. **Water Truck.** The permittee shall maintain a water truck on site and in good operating condition, and shall utilize same to apply water, or a mixture of water and an environmentally acceptable dust control additive, hereinafter referred to as solution, as often as is necessary in order to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from haulroads and other work areas where mobile equipment is used.

The spraybar shall be equipped with commercially available spray nozzles, of sufficient size and number, so as to provide adequate coverage to the area being treated.

The pump delivering the water, or solution, shall be of sufficient size and capacity so as to be capable of delivering to the spray nozzle(s) an adequate quantity of water, or solution, and at a sufficient pressure, so as to assure that the treatment process will minimize the atmospheric entrainment of fugitive particulate emissions generated from the haulroads and work areas where mobile equipment is used.

The permittee shall properly install, operate and maintain designed winterization systems for all water trucks and/or water sprays in a manner that all such fugitive dust control systems remain functional during winter months and cold weather.

4.1.9. **Control and Prohibition of Fugitive Dust Emissions From Coal Handling Operations and Preparation Plants.** No person shall cause, suffer, allow or permit a coal preparation plant or handling operation to operate that is not equipped with a fugitive dust control system. This system

shall be operated and maintained in such a manner as to minimize the emission of particulate matter into the open air.
[45CSR§5-6.1]

4.1.10. **Control and Prohibition of Fugitive Dust Emissions From Coal Handling Operations and Preparation Plants.** The owner or operator of a coal preparation plant or handling operation shall maintain dust control of the premises and owned, leased or controlled access roads by paving, or other suitable measures. Good operating practices shall be observed in relation to stockpiling, car loading, breaking, screening and general maintenance to minimize dust generation and atmospheric entrainment.
[45CSR§5-6.2]

4.1.11. **Standards for Particulate Matter for Subpart Y**. On and after the date on which the performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator of any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal constructed, reconstructed, or modified after April 28, 2008, must meet the requirements in paragraphs (b)(1) through (3) of this section, as applicable to the affected facility.
[40CFR§60.254(b)]

(1) Except as provided in paragraph (b)(3) of this section, the owner or operator must not cause to be discharged into the atmosphere from the affected facility any gases which exhibit 10 percent opacity or greater.
[40CFR§60.254(b)(1)]

(3) Equipment used in the loading, unloading, and conveying operations of open storage piles are not subject to the opacity limitations of paragraph (b)(1) of this section.
[40CFR§60.254(b)(3)]

4.1.12. **Fugitive Coal Dust Emissions Control Plan for Subpart Y - Fugitive Coal Dust Emissions Control Plan**. The owner or operator of an open storage pile, which includes the equipment used in the loading, unloading, and conveying operations of the affected facility, constructed, reconstructed, or modified after May 27, 2009, must prepare and operate in accordance with a submitted fugitive coal dust emissions control plan that is appropriate for the site conditions as specified in paragraphs (c)(1) through (6) of this section.
[40CFR§60.254(c)]

(1) The fugitive coal dust emissions control plan must identify and describe the control measures the owner or operator will use to minimize fugitive coal dust emissions from each open storage pile.
[40CFR§60.254(c)(1)]

(2) For open coal storage piles, the fugitive coal dust emissions control plan must require that one or more of the following control measures be used to minimize to the greatest extent practicable fugitive coal dust: Locating the source inside a partial enclosure, installing and operating a water spray or fogging system, applying appropriate chemical dust suppression agents on the source (when the provisions of paragraph (c)(6) of this section are met), use of a wind barrier, compaction, or use of a vegetative cover. The owner or operator must select, for inclusion in the fugitive coal dust emissions control plan, the control measure or measures listed in this paragraph that are most appropriate for site conditions. The plan must also explain how the measures or measures selected are applicable and appropriate for site conditions. In addition, the plan must be revised as needed to reflect any changing conditions at the source.
[40CFR§60.254(c)(2)]

(3) Any owner or operator of an affected facility that is required to have a fugitive coal dust emissions control plan may petition the Administrator to approve, for inclusion in the plan for the affected facility, alternative control measures other than those specified in paragraph (c)(2) of this section as specified in paragraphs (c)(3)(i) through (iv) of this section.
[40CFR§60.254(c)(3)]

(i) The petition must include a description of the alternative control measures, a copy of the fugitive coal dust emissions control plan for the affected facility that includes the alternative control measures, and information sufficient for EPA to evaluate the demonstrations required by paragraph (c)(3)(ii) of this section.
[40CFR§60.254(c)(3)(i)]

(ii) The owner or operator must either demonstrate that the fugitive coal dust emissions control plan that includes the alternative control measures will provide equivalent overall environmental protection or demonstrate that it is either economically or technically infeasible for the affected facility to use the control measures specifically identified in paragraph (c)(2).
[40CFR§60.254(c)(3)(ii)]

(iii) While the petition is pending, the owner or operator must comply with the fugitive coal dust emissions control plan including the alternative control measures submitted with the petition. Operation in accordance with the plan submitted with the petition shall be deemed to constitute compliance with the requirement to operate in accordance with a fugitive coal dust emissions control plan that contains one of the control measures specifically identified in paragraph (c)(2) of this section while the petition is pending.
[40CFR§60.254(c)(3)(iii)]

(iv) If the petition is approved by the Administrator, the alternative control measures will be approved for inclusion in the fugitive coal dust emissions control plan for the affected facility. In lieu of amending this subpart, a letter will be sent to the facility describing the specific control measures approved. The facility shall make any such letters and the applicable fugitive coal dust emissions control plan available to the public. If the Administrator determines it is appropriate, the conditions and requirements of the letter can be reviewed and changed at any point.
[40CFR§60.254(c)(3)(iv)]

(4) The owner or operator must submit the fugitive coal dust emissions control plan to the Administrator or delegated authority prior to the startup of the new, reconstructed, or modified affected facility, or 30 days after the effective date of this rule, whichever is later.
[40CFR§60.254(c)(4)]

(5) The Administrator or delegated authority may object to the fugitive coal dust emissions control plan as specified in paragraphs (c)(5)(i) of this section.
[40CFR§60.254(c)(5)]

(i) The Administrator or delegated authority may object to any fugitive coal dust emissions control plan that it has determined does not meet the requirements of paragraphs (c)(1) and (c)(2) of this section.
[40CFR§60.254(c)(5)(i)]

(ii) If an objection is raised, the owner or operator, within 30 days from receipt of the

objection, must submit a revised fugitive coal dust emissions control plan to the Administrator or delegate authority. The owner or operator must operate in accordance with the revised fugitive coal dust emissions control plan. The Administrator or delegated authority retain the right, under paragraph (c)(5) of this section, to object to the revised control plan if it determines the plan does not meet the requirements of paragraphs (c)(1) and (c)(2) of this section.
[40CFR§60.254(c)(5)(ii)]

(6) Where appropriate chemical dust suppressant agents are selected by the owner or operator as a control measure to minimize fugitive coal dust emissions, (1) only chemical dust suppressants with Occupational Safety and Health Administration (OSHA)-compliant material safety data sheets (MSDS) are to be allowed; (2) the MSDS must be included in the fugitive coal dust emissions control plan; and (3) the owner or operator must consider and document in the fugitive coal dust emissions control plan the site-specific impacts associated with the use of such chemical dust suppressants.
[40CFR§60.254(c)(6)]

4.1.13. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.0 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.
[45CSR§13-5.11.]

4.2. Monitoring Requirements

4.2.1. For the purposes of determining compliance with maximum throughput limits set forth in 4.1.3, 4.1.4, 4.1.5, 4.1.6 and 4.1.7, the permittee shall monitor the coal throughput and production rates and maintain certified daily records, utilizing the form identified as Appendix A. Such records shall be retained onsite by the permittee for at least five (5) years. Certified records shall be made available to the Director or his duly authorized representative upon request.

4.2.2. For the purposes of determining compliance with water truck usage set forth in 4.1.8, the permittee shall monitor water truck activity and maintain certified daily records, utilizing the forms identified as Appendix B. Such records shall be retained onsite by the permittee for at least five (5) years. Certified records shall be made available to the Director or his duly authorized representative upon request.

4.3. Testing Requirements

4.3.1. **Performance Tests and Other Compliance Requirements for Subpart Y - Performance Tests.** An owner or operator of each affected facility that commenced construction, reconstruction, or modification after April 28, 2008, must conduct performance tests according to the requirements of §60.8 and the methods identified in §60.257 to demonstrate compliance with the applicable emission standards in Subpart Y as specified in paragraphs (b)(1) and (b)(2) of this section.
[40CFR§60.255(b)]

(2) For each affected facility subject to an opacity standard, an initial performance test must be performed. Thereafter, a new performance test must be conducted according to the requirements in paragraphs (b)(2)(i) through (iii) of this section, as applicable, except as provided for in paragraphs (e) and (f) of this section. Performance test and other compliance requirements for

coal truck dump operations are specified in paragraph (h) of this section .
[40CFR§60.255(b)(2)]

(i) If any 6-minute average opacity reading in the most recent performance test exceeds half the applicable opacity limit, a new performance test must be conducted within 90 operating days of the date that the previous performance test was required to be completed.
[40CFR§60.255(b)(2)(i)]

(ii) If all 6-minute average opacity readings in the most recent performance are equal to or less than half the applicable opacity limit, a new performance test must be conducted within 12 calender months of the date that the previous performance test was required to be completed.
[40CFR§60.255(b)(2)(ii)]

4.3.2. **Performance Tests and Other Compliance Requirements for Subpart Y - Monitoring Visible Emissions or Digital Opacity Compliance System.** As an alternative to meeting the requirements in paragraph (b)(2) of this section *[see permit condition 4.3.1. above]* , an owner or operator of an affected facility that commenced construction, reconstruction, or modification after April 28, 2008, may elect to comply with the requirements in paragraph (f)(1) or (f)(2) of this section.
[40CFR§60.255(f)]

(1) Monitor visible emissions from each affected facility according to the requirements in paragraphs (f)(1)(i) through (iii) of this section.
[40CFR§60.255(f)(1)]

(i) Conduct one daily 15-second observation each operating day for each affected facility (during normal operation) when the coal preparation and processing plant is in operation. Each observation must be recorded as either visible emissions observed or no visible emissions observed. Each observer determining the presence of visible emissions must meet the training requirements specified in §2.3 of Method 22 of appendix A-7 of this part. If visible emissions are observed during any 15-second observation, the owner or operator must adjust the operation of the affected facility and demonstrate within 24 hours that no visible emissions are observed from the affected facility. If visible emissions are observed, a Method 9, of appendix A-4 of this part, performance test must be conducted within 45 operating days.
[40CFR§60.255(f)(1)(i)]

(ii) Conduct monthly visual observations of all processes and control equipment. If any deficiencies are observed, the necessary maintenance must be performed as expeditiously as possible.
[40CFR§60.255(f)(1)(ii)]

(iii) Conduct a performance test using Method 9 of Appendix A-4 of this part at least once every 5 calender years for each affected facility.
[40CFR§60.255(f)(1)(iii)]

(2) Prepare a written site-specific monitoring plan for a digital opacity compliance system for approval by the Administration or delegated authority. The plan shall require observations of at least one digital image every 15 seconds for 10-minute periods (during normal operation) every operating day. An approvable monitoring plan must include a demonstration that the occurrences of visible emissions are not in excess of 5 percent of the observation period. For reference purposes in preparing the monitoring plan, *see* OAQPS "Determination of Visible Emission

Opacity from Stationary Sources Using Computer-Based Photographic Analysis Systems." This document is available from the U.S. Environmental Protection Agency (U.S. EPA); Office of Air Quality and Planning Standards; Sector Policies and Programs Division; Measurement Group (D243-02), Research Triangle Park, NC 27711. This document is also available on the Technology Transfer Network (TTN) under Emission Measurement Center Preliminary Methods. The monitoring plan approved by the Administrator delegated authority shall be implemented by the owner or operator.
[40CFR§60.255(f)(2)]

4.3.3. **Performance Tests and Other Compliance Requirements for Subpart Y - COMS.** As an alternative to meeting the requirements in paragraph (b)(2) of this section *[see permit condition 4.3.2. above]* , an owner or operator of an affected facility that commenced construction, reconstruction, or modification after April 28, 2008, subject to a visible emissions standard under this subpart may install, operate, and maintain a continuous opacity monitoring system (COMS). Each COMS used to comply with provisions of this subpart must be installed, calibrated, maintained, and continuously operated according to the requirements in paragraphs (g)(1) and (2) of this section.
[40CFR§60.255(g)]

4.3.4. **Performance Tests and Other Compliance Requirements for Subpart Y - Truck Dump Operations.** The owner or operator of each affected coal truck dump operation that commenced construction, reconstruction, or modification after April 28, 2008, must meet the requirements specified in paragraphs (h)(1) through or (3) of this section.
[40CFR§60.255(h)]

(1) Conduct an initial performance test using Method 9 of Appendix A-4 of this part according to the requirements in paragraphs (h)(1)(i) and (ii).
[40CFR§60.255(h)(1)]

(i) Opacity readings shall be taken during the duration of three separate truck dumping events. Each truck dump event commences when the truck bed begins to elevate and concludes when the truck bed returns to a horizontal position.
[40CFR§60.255(h)(1)(i)]

(ii) Compliance with the applicable opacity limit is determined by averaging all 15-second opacity readings made during the duration of three separate truck dump events.
[40CFR§60.255(h)(1)(ii)]

(2) Conduct monthly visual observations of all processes and control equipment. If any deficiencies are observed, the necessary maintenance must be performed as expeditiously as possible.
[40CFR§60.255(h)(2)]

(3) Conduct a performance test using Method 9 of appendix A-4 of this part at least once every 5 calender years for each affected facility.
[40CFR§60.255(h)(3)]

4.3.5. **Performance Tests and Other Compliance Requirements for Subpart Y.** If any affected coal processing and conveying equipment (e.g., breakers, crushers, screens, conveying systems), coal storage systems, or other coal transfer and loading systems that commenced construction, reconstruction, or modification after April 28, 2008, are enclosed in a building do not exceed any of the standards in §60.254 that apply to the affected facility, then the facility shall be deemed to be in compliance with such standards.

[40CFR§60.255(c)]

4.3.6. **Test Methods and Procedures for Subpart Y.** The owner or operator must determine compliance with the applicable opacity standards as specified in paragraphs (a)(1) through (3) of this section.
[40CFR§60.257(a)]

(1) Method 9 of Appendix A-4 of this part and the procedures in §60.11 must be used to determine opacity, with the exceptions specified in paragraphs (a)(1)(i) and (ii).
[40CFR§60.257(a)(1)]

(i) The duration of the Method 9 of Appendix A-4 of this part performance test shall be 1 hour (ten 6-minute averages).
[40CFR§60.257(a)(1)(i)]

(ii) If, during the initial 30 minutes of the observation of a Method 9 of Appendix A-4 of this part performance test, all of the 6-minute average opacity readings are less than or equal to half the applicable opacity limit, then the observation period may be reduced from 1 hour to 30 minutes.
[40CFR§60.257(a)(1)(ii)]

(2) To determine opacity for fugitive coal dust emissions sources, the additional requirements specified in paragraphs (a)(2)(i) through (iii) must be used.
[40CFR§60.257(a)(2)]

(i) The minimum distance between the observer and the emission source shall be 5.0 meters (16 feet), and the sun shall be oriented in the 140-degree sector of the back.
[40CFR§60.257(a)(2)(i)]

(ii) The observer shall select a position that minimizes interference from other fugitive coal dust emissions sources and make observations such that the line of vision is approximately perpendicular to the plume and wind direction.
[40CFR§60.257(a)(2)(ii)]

(iii) The observer shall make opacity observations at the point of greatest opacity in that portion of the plume where condensed water vapor is not present. Water vapor is not considered a visible emission.
[40CFR§60.257(a)(2)(iii)]

(3) A visible emissions observer may conduct visible emission observations for up to three fugitive, stack, or vent emission points within a 15-second interval if the following conditions specified in paragraphs (a)(3)(i) through (iii) of this section are met.
[40CFR§60.257(a)(3)]

(i) No more than three emissions points may be read concurrently.
[40CFR§60.257(a)(3)(i)]

(ii) All three emissions points must be within a 70 degree viewing sector or angle in front of the observer such that the proper sun position can be maintained for all three points.
[40CFR§60.257(a)(3)(ii)]

(iii) If an opacity reading for any one of the three emissions points is within5 percent opacity

from the applicable standard (excluding readings of zero opacity), then the observer must stop taking readings for the other two points and continue reading just that single point.
[40CFR§60.257(a)(3)(iii)]

4.3.7. **Test Methods and Procedures for Subpart Y.** The owner or operator must conduct all performance tests required by §60.8 to demonstrate compliance with the applicable emissions standards specified in §60.252 according to the requirements in §60.8 using the applicable test methods and procedures in paragraphs (b)(1) through (8) of this section.
[40CFR§60.257(b)]

4.4. Recordkeeping Requirements

4.4.1. **Record of Monitoring.** The permittee shall keep records of monitoring information that include the following:

a. The date, place as defined in this permit and time of sampling or measurements;
b. The date(s) analyses were performed;
c. The company or entity that performed the analyses;
d. The analytical techniques or methods used;
e. The results of the analyses; and
f. The operating conditions existing at the time of sampling or measurement.

4.4.2. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.0, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.

4.4.3. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.0, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:

a. The equipment involved.
b. Steps taken to minimize emissions during the event.
c. The duration of the event.
d. The estimated increase in emissions during the event.

For each such case associated with an equipment malfunction, the additional information shall also be recorded:

e. The cause of the malfunction.
f. Steps taken to correct the malfunction.
g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.

4.4.4. **Recordkeeping for Subpart Y.** The owner or operator of a coal preparation and processing plant that commenced construction, reconstruction, or modification after April 28, 2008, shall maintain a logbook (written or electronic) on-site which documents the information specified in paragraphs (a)(1) through (10) of this section and make it available upon request.
[40CFR§60.258(a)]

(1) The manufacturer's recommended maintenance procedures and the date and time of any

maintenance and inspection activities. Any variance from manufacturer recommendation, if any, shall be noted.
[40CFR§60.258(a)(1)]

(2) The date and time of periodic coal preparation and processing plant visual observations, noting those sources with visible emissions along with corrective actions taken to reduce visible emissions. Results from the actions shall be noted.
[40CFR§60.258(a)(2)]

(3) The amount and type of coal processed each calender month.
[40CFR§60.258(a)(3)]

(4) The amount of chemical stabilizer or water purchased for use in the coal preparation plant and processing plant.
[40CFR§60.258(a)(4)]

(5) Monthly certification that the dust suppressant systems were operational when any coal was processed and that manufacturer's recommendations were followed for all control systems. Any variance from manufacturer recommendation, if any, shall be noted.
[40CFR§60.258(a)(5)]

(6) Monthly certification that the fugitive coal dust emissions control plan was implemented as described. Any variance from the plan, if any, shall be noted. A copy of the applicable fugitive coal dust emissions control plan and any letters from the Administrator providing approval of any alternative control measures shall be maintained with the logbook. Any actions, *e.g.* objections, to the plan and any actions relative to the alternative control measures, *e.g.* approvals, shall be noted in the logbook as well.
[40CFR§60.258(a)(6)]

(8) A copy of any applicable monitoring plan for a digital opacity compliance system and monthly certification that the plan was implemented as described. Any variance from plan, if any, shall be noted.
[40CFR§60.258(a)(8)]

4.5. Reporting Requirements

4.5.1. **Reporting for Subpart Y - Opacity Exceedances.** For the purposes of reports required under section 60.7(c), any owner or operator subject to the provisions of Subpart Y also shall report semiannually periods of excess emissions as specified in paragraphs (b)(1) through (3) of this section.
[40CFR§60.258(b)]

(3) All 6-minute average opacities that exceed the applicable standard.

4.5.2. **Reporting for Subpart Y - Results of Initial Performance Tests.** The owner or operator of an affected facility shall submit the results of initial performance tests to the Administrator or delegated authority, consistent with the provisions of section 60.8. The owner or operator who elects to comply with the reduced performance testing provisions of sections 60.255(c) or (d) shall include in the performance test report identification of each affected facility that will be subject to the reduced testing. The owner or operator electing to comply with section 60.255(d) shall also include information which demonstrates that the control devices are identical.
[40CFR§60.258(c)]

4.5.3. **Reporting for Subpart Y - WebFIRE Data Base.** After July 11, 2011, within 60 days after the date of completing each performance evaluation conducted to demonstrate compliance with this subpart, the owner or operator of the affected facility must submit the test date to EPA by successfully entering the data electronically into EPA's WebFIRE data base available at http://cfpub.epa.gov/oarweb/index.cfm?action=fire.main. For performance tests that cannot be entered into WebFIRE (i.e. Method 9 of appendix A-4 of this part opacity performance tests) the owner or operator of the affected facility must mail a summary copy to United States Environmental Protection Agency; Energy Strategies Group; 109 TW Alexander DR; mail code D243-01; RTP, NC 27711. **[40CFR§60.258(d)]**

APPENDIX A - Certified Daily and Monthly Amounts for Throughput and Production Rates [1]

ICG Tygart Valley, LLC
Facility ID No. 091-00030
Permit No. R13-2801C

Month _____ Year _____

Day of Month	Raw Coal/Rock over Bar Grate BG1 (Tons)	Raw Coal Delivered via BC1 and BC2 (Tons)	Trucked Raw Coal/Rock In and Clean Coal/Rock Out Combined (Tons)	Raw Coal to Prep Plant via BC5 (Tons)	Clean Coal to Railcar via BS-1 (Tons)	Hours of Operation	Initials
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							
Total (Tons/Month)						-----	-----
12 Month Rolling Total [2]						-----	-----

Notes: (1) The **CERTIFICATION OF DATA ACCURACY** statement appearing on the reverse side shall be completed and kept on site for a period of no less than five (5) years and shall be made available to the Director or his or her duly authorized representative upon request.

(2) The 12 month rolling total shall mean the sum of the tonnage of coal throughput (or processed) at any given time during the previous twelve (12) consecutive calender months. The maximum permitted throughput and processing rates are: Raw Coal/Rock over Bar Grate BG1 - 500,000 TPY; Raw Coal Delivered via BC1 and BC2 - 13,140,000 TPY; Trucked Raw Coal/Rock in and Clean Coal/Rock Out Combined - 1,000,000 TPY; Raw Coal to Prep Plant via BC5 - 13,140,000 TPY; and Clean Coal to Railcar via BS1- 9,636,000 TPY.

APPENDIX B - Certified Daily Water Usage by the Pressurized Water Truck [1]

ICG Tygart Valley, LLC
Facility ID No. 091-00030
Permit No. R13-2801C

Month _____ Year _____

Day of Month	Water Truck Used? (Y/N)	Quantity of Water Used [2] (gallons)	Comments [3]	Initials
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				
31				

Note: (1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.

(2) The quantity of water used may be estimated based on the volume of the tank and number of times the water truck was refilled.

(3) Use the comment section to explain why the water spray system was not used or was used sparingly.

CERTIFICATION OF DATA ACCURACY

I, the undersigned, hereby certify that, based on information and belief formed after reasonable inquiry, all information contained in the attached _____, representing the period beginning _____ and ending _____, and any supporting documents appended hereto, is true, accurate, and complete.

Signature[1] _____ _____
(please use blue ink) Responsible Official or Authorized Representative Date

Name and Title _____ _____
(please print or type) Name Title

Telephone No. _____ Fax No. _____

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[1] This form shall be signed by a "Responsible Official." "Responsible Official" means one of the following:

a. For a corporation: The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(I) the facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), or

(ii) the delegation of authority to such representative is approved in advance by the Director;

b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

c. For a municipality, State, Federal, or other public entity: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of USEPA); or

d. The designated representative delegated with such authority and approved in advance by the Director.